

**IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

**SHERMAN DIVISION**

**DATE: 9/1/2020**

**DISTRICT JUDGE**  
**Amos L. Mazzant, III**

**COURT REPORTER: Chris Beckham**  
**COURTROOM DEPUTY: Keary Conrad**

Innovation Sciences, Inc.	4:18-CV-474
v.	
Amazon.Com, Inc.	

<b>ATTORNEYS FOR PLAINTIFF</b>	<b>ATTORNEYS FOR DEFENDANT</b>
Don Jackson, James Berquist, Walter Davis, Jr., Gregory Krauss, Alan Ray, Lisa Blue (Counsel), Paul Malouf (Technology)	Deron Dacus, Dave Hadden, Saina Shamilov (Counsel), Fred Torok (Amazon representative) Robert Winant (paralegal) and Brian Patterson (Technology)

On this day, came the parties by their attorneys and the following proceedings were held in Sherman, TX:

<b>TIME:</b>	<b>MINUTES: Jury trial (Day 7)</b>
8:32 a.m.	Court in session. Court notes appearances of the Parties.
8:32 a.m.	Jury seated.
8:33 a.m.	Plaintiff's counsel, Don Jackson continues cross-examination of Dr. David B. Johnson.
8:56 a.m.	Pass the witness.
8:57 a.m.	Defendant's counsel, Dave Hadden begins re-direct examination of Dr. David B. Johnson.
9:02 a.m.	Defendant's counsel, Dave Hadden refers Dr. David B. Johnson to Defendant's Exhibit 1179, 615, 209.
9:12 a.m.	Pass the witness.
9:13 a.m.	Plaintiff's counsel, Don Jackson continues re-cross-examination of Dr. David B. Johnson.
9:15 a.m.	Bench conference.
9:17 a.m.	Pass the witness.
9:17 a.m.	Court polls the jury for questions.
9:18 a.m.	Bench conference.
9:13 a.m.	Plaintiff's counsel, Don Jackson continues re-cross-examination of Dr. David B. Johnson.

9:20 a.m.	Court asks witness questions from the jury.
9:27 a.m.	Defendant's counsel, Dave Hadden follow up.
9:28 a.m.	Witness excused.
9:28 a.m.	Defendant's counsel, Saina Shamilov calls Dr. Keith Ugone. Witness placed under oath.
9:29 a.m.	Defendant's counsel, Saina Shamilov begins direct examination.
9:40 a.m.	Defendant's counsel, Saina Shamilov proffers Dr. Keith Ugone as an expert as a forensic economist and evaluation of patent infringement damages
10:14 a.m.	Jury excused for morning break.
10:32 a.m.	Court re-convened. Jury seated.
10:33 a.m.	Defendant's counsel, Saina Shamilov continues direct examination of Dr. Keith Ugone.
11:33 a.m.	<b>COURTROOM AND RECORD SEALED.</b>
11:37 a.m.	Pass the witness. <b>COURTROOM AND RECORD UNSEALED.</b>
11:39 a.m.	Plaintiff's counsel, Alan Ray begins cross examination of Dr. Keith Ugone.
11:47 a.m.	Plaintiff's counsel, Alan Ray refers witness to Dr. Keith Ugone to Plaintiff's Exhibit 520.
11:55 a.m.	Plaintiff's counsel, Alan Ray refers witness to Dr. Keith Ugone to Plaintiff's Exhibit 878.
12:00 p.m.	Jury excused for lunch.
1:00 p.m.	Court re-convened. Jury seated.
1:02 p.m.	Plaintiff's counsel, Alan Ray continues cross examination of Dr. Keith Ugone.
1:05 p.m.	Plaintiff's counsel, Alan Ray refers witness to Dr. Keith Ugone to Plaintiff's Exhibit 614.
1:16 p.m.	Plaintiff's counsel, Alan Ray refers witness to Dr. Keith Ugone to Defendant's Exhibits 111 and 118.
1:45 p.m.	Plaintiff's counsel, Alan Ray refers witness to Dr. Keith Ugone to Plaintiff's Exhibit 856.
1:48 p.m.	Plaintiff's counsel, Alan Ray refers witness to Dr. Keith Ugone to Defendant's Exhibit 111.
1:50 p.m.	Plaintiff's counsel, Alan Ray refers witness to Dr. Keith Ugone to Defendant's Exhibit 118.
1:54 p.m.	<b>COURTROOM AND RECORD SEALED.</b>
2:06 p.m.	Pass the witness.
2:07 p.m.	<b>COURTROOM AND RECORD UNSEALED.</b>

2:07 p.m.	Bench conference.
2:09 p.m.	Defendant's counsel, Saina Shamilov begins re-direct examination of Dr. Keith Ugone.
2:14 p.m.	Pass the witness.
2:15 p.m.	Plaintiff's counsel, Alan Ray begins re-cross examination of Dr. Keith Ugone.
2:16 p.m.	Pass the witness.
2:17 p.m.	Court polls the jury for questions for the witness. Bench conference.
2:18 p.m.	Court asks the witness, Dr. Keith Ugone questions from the jury.
2:22 p.m.	Witness excused.
2:24 p.m.	Plaintiff's counsel, Don Jackson calls Dr. Joseph McAlexander in rebuttal.
2:47 p.m.	Plaintiff's counsel, Don Jackson moves for the admission of Plaintiff's Exhibit 971. No objection. Plaintiff's Exhibit 971 is admitted.
3:10 p.m.	Pass the witness.
3:11 p.m.	Jury excused for break.
3:14 p.m.	Court adjourned for 15 minute break.
3:30 p.m.	Court re-convened. Jury seated.
3:31 p.m.	Defendant's counsel, Dave Hadden begins cross examination of Dr. Joseph McAlexander.
4:23 p.m.	Defendant's counsel, Dave Hadden refers witness Dr. Joseph McAlexander to Defendant's Exhibit 162.
4:45 p.m.	[Loss of power. Delay to reset the Court's system]
4:47 p.m.	Defendant's counsel, Dave Hadden continues cross examination of Dr. Joseph McAlexander.
5:07 p.m.	Pass the witness.
5:08 p.m.	Plaintiff's counsel, Don Jackson begins re-direct examination of Dr. Joseph McAlexander.
5:27 p.m.	Pass the witness.
5:27 p.m.	Court polls the jury for questions of witness, Dr. Joseph McAlexander.
5:28 p.m.	Bench conference.
5:31 p.m.	Court asks juror questions to witness, Dr. Joseph McAlexander.
5:40 p.m.	Jury excused.

5:41 p.m.	Court hears from Plaintiff's counsel regarding verdict form. Plaintiff's counsel brings up judicial notice on the first action being filed on 8/8/2017. Defense objects. Court hears from Defendant's counsel, Deron Dacus regarding Virginia lawsuits. For purposes of the Court, the Court takes judicial notice as to the file date. Plaintiff orally modifies the motion and has no intention for the issue to go to the jury. Parties discuss presenting 50(a) motions.
5:48 p.m.	Court adjourned.
	Plaintiff time: 19 hours 33 minutes Defendant time: 17 hours 55 minutes Total Court time today: 7 hours 39 minutes

DAVID O'TOOLE, CLERK

BY: Keary Conrad  
Courtroom Deputy Clerk